

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

NOV 27 2007

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID CARROLL STEPHENSON,

Defendant - Appellant.

No. 06-30299

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

D.C. No. CR-05-05158-RBL

ORDER AMENDING
MEMORANDUM DISPOSITION
AND DENYING PETITION FOR
REHEARING EN BANC

Before: CANBY, HALL, and CALLAHAN, Circuit Judges

The memorandum disposition filed on August 9, 2007, is hereby amended
by adding the following to the end of the first full paragraph on page 3:

We note, moreover, that any error here did not affect Stephenson's substantial rights because Stephenson never contested the overt acts that occurred within the limitations period and never argued that "the acts that most strongly support a finding of conspiracy fell outside the statute of limitations." *United States v Fuchs*, 218 F.3d 957, 963 (9th Cir. 2000)

With this amendment, the panel has voted to deny appellant's petition for panel rehearing and has recommended denial of the petition for rehearing en banc. The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petition for panel rehearing and the petition for rehearing en banc are
DENIED. No further petitions shall be entertained.